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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,535	01/15/2004	Timothy V. Smith	23746.00	4572

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,535	SMITH ET AL.	
	Examiner	Art Unit	
	Jon A. Szumny	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 11,12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

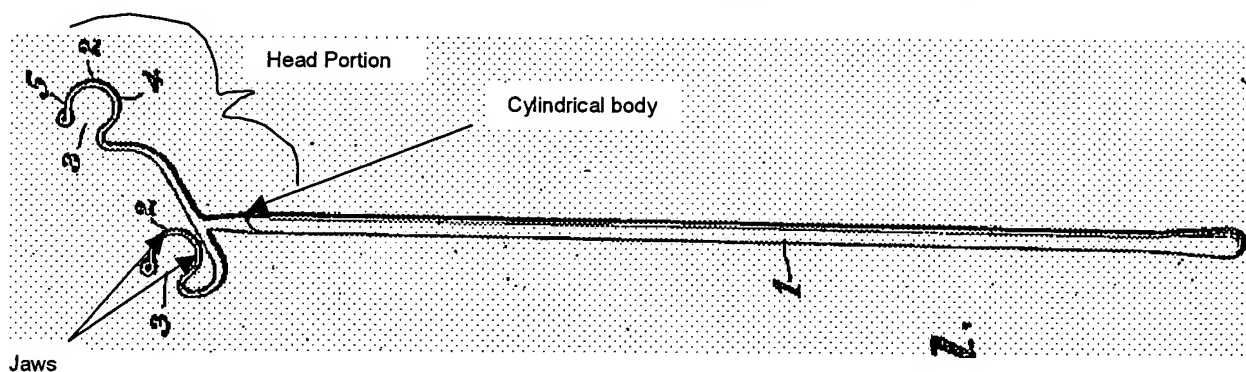
- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 10/757,535, T-Connector Holding Tool and Method, filed on January 15, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark '721 in view of DeVrou '476.



Clark '721 discloses a tool (above) comprising an elongated handle portion with a grip end (1) and a head portion (above) fixed to the handle portion having capturing means, wherein the head portion has a cylindrical body (above), wherein

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the capturing means comprises a pair of spaced rigid claws (2, inherently rigid relative to at least something else), each claw including an smooth arcuate interior cylindrical surface (above) that extends a majority around a circumference of a cylindr that is inherently adapted to capture an aligned nut so as to prevent lateral movement of two aligned nuts, wherein an axis of the cylinder is generally perpendicular to an axis of the handle portion, wherein each claw comprises a pair of jaws (above) inherently adapted for extending around a respective side of one of the aligned nuts so as to prevent lateral movement of the nut. However, Clark '721 fails to specifically teach the handle and head portions to be removably attached using a snap connection on the handle portion.

Nevertheless, DeVrou '476 reveals a handle portion (14,50) and a head portion (socket member, inherently, not shown), wherein the head and handle portions are removably attached using a snap connection comprising a square shaped lug (16) extending out from the handle portion and extending into a hole/bore (inherently on the socket) formed in the head portion wherein the lug includes a snap connector having a spring-loaded ball bearing (44,46) extending from the square lug/drive and engaging a detent formed in the hole (inherently, similar to 30), wherein the bore inherently axially through the body. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have modified the head and handle portions of Clark '721 so as to have a snap connection as in DeVrou '476 so as to provide for a more adjustable device by allowing an operator to attach handle portions of various sizes to the head portion in addition to allowing an operator to quickly replace a damaged head portion.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark '721 in view of U.S. Patent number 4,004,476 to DeVrou, and further in view of U.S. Patent number 120,304 to McBride.

Clark '721 in view of DeVrou '476 teach the previous invention failing to specifically reveal the axis of the cylinder to be parallel to an axis of the handle portion, or the bore to extend transversely through the cylindrical body.

Nevertheless, McBride '304 reveals a tool comprising removably attached handle and head portions (B,A), wherein the head portion has bores extending axially (a^2) and transversely (a^3) therethrough. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the tool of Clark '721 in view of DeVrou '476 so as to have a bore extending transversely through the head portion so as to increase the utility of the device by allowing the

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head portion to be used in different configurations. Further, after doing such, the axis of the cylinder will be parallel to an axis of the head portion.

Claims 10 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark '721 in view of U.S. Patent number 120,304 to McBride.

Clark '721 teaches the previous invention failing to specifically reveal the handle to have a mounting lug including a cylindrical end portion. Nevertheless, McBride '304 reveals a tool comprising removably attached handle with a grip portion (B, lower portion) and a mounting lug with a cylindrical end portion (B, upper portion), in addition to a head portion (A), wherein the head portion has bores extending axially (a^2) and transversely (a^3) therethrough for receiving the lug in order to attach the head to the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the handle of Clark '721 so as to have a mounting lug with a cylindrical end portion that extends through bores that extend axially and transversely through the cylindrical body of Clark '721 so as to increase the utility of the device by allowing the head portion to be used in different configurations in addition to allowing for quick replacement of a damaged head.

Allowable Subject Matter

Claims 11, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 11, the prior art as applied against claim 10 failed to further specifically teach the lug to have a square drive adjacent the grip portion.

Response to Arguments

Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive. However, the Examiner will attempt to address all remaining arguments.

On the bottom of page 8 and top of page 9 of the response, the applicant contends that the modification of the tool of Clark '721 with that of DeVrou '476 would destroy the purpose of the bifurcated shank permanently attached to the handle. What is this purpose and how would the Examiner's combination destroy this purpose? As modified by the Examiner, the tool of Clark '721 becomes more

versatile since the head portion can now be removed from the handle so as to replace a damaged head portion or else to attach a different sized head portion to the handle.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, regarding the applicant's comments in the middle of page 9 of the response, McBride '304 clearly teaches a tool comprising a handle and a head portion (just as Clark '721 teaches a tool with a handle and a head portion), and the head portion has multiple bores extending transversely and axially therethrough, thus allowing the head portion to be oriented in myriad configurations with respect to the handle, which clearly increase the utility of the invention. Doing so also allows the head portion to be replaced when damaged. Thus, there is in fact a suggestion to combine McBride '304 with Clark '721.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a long horizontal line extending to the right.

Jon Szumny
Primary Examiner
Technology Center 3600
Art Unit 3632
June 17, 2005